IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1275 OF 2005

Ashok Traders ..Petitioner

Vs.

The Municipal Corporation of
Greater Mumbai. ..Respondent

Mrs. Neeta Madhyan i/b.S.M. Associates for the petitioner
Mrs. A.R. Joshi, for respondents

CORAM: F.I. REBELLO, J.
DATE : 29th August, 2005

P.C.

1. Rule. Heard forthwith. The Respondent No.2 has made a demand on the petitioner in respect of some governmental dues. The stand of the respondent No.1 is that the estate has now been transferred to Kandivali Co-operative Industrial Estate. Even if that be so that will be immaterial considering the demand made by the respondent No.1 on the petitioner.

2. It is contended on behalf of the petitioner that the amount claimed under Item No.11 of table of arrear amount, the said amount was paid as license fees to the Court Receiver appointed and as such it cannot be considered as an unearned income. That being so no such demand has been made in the aforesaid sum. Apart from that it is pointed out that some amount has already been paid.

3. Considering the controversy the petition can be disposed of by issuing the following directions:-

(i) Respondent No.2 is directed not to act on the notice dated 17th January, 2003 and any other consequential orders,

if passed thereafter for a period of 3 months from today.

(ii) The petitioner will make a representation to the respondent No.2 in so far as Item No.11 under the heading arrears of unearned amount with interest within a period of 3 weeks from today.

(iii) The Respondent No.2 after considering the representation and if request for hearing is made by the petitioner to give oral hearing and dispose of the representation according to law within a period of two months from the date of representation.

(iv) If the respondent No.2 comes to the conclusion that the representation made by the petitioner is to be allowed then to amend the demand as set out in letter dated 17th January, 2003.

(v) Rule made absolute accordingly. No order as to costs.

(vi) The entire process to be completed within a period of 3 months from the date of representation.

(F.I. REBELLO, J.)